

## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 9, 2001

Howard Wolfson, Treasurer
Democratic Congressional Campaign
Committee - Expenditures
430 South Capitol Street SE
Washington, DC 20003

Identification Number:

C00000935

Reference:

May Monthly (4/1/00-4/30/00) and October Monthly (9/1/00-9/30/00), 12

Day Pre-General (10/1/00-10/18/00), 30 Day Post-General (10/19/00-

11/27/00) and Year End (11/28/00-12/31/00) Reports

Dear Mr. Wolfson:

This letter is to inform you that as of August 8, 2001 the Commission has not received your response to our requests for additional information dated July 18, 2001. These notices request information essential to full public disclosure of your federal election campaign finances. To ensure compliance with the provisions of the Federal Election Campaign Act (the Act), please respond to these requests (copies enclosed).

An adequate response must be received at the Commission by August 29, 2001. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

If you should have any questions regarding this matter, please contact Dominick Ciaraldi on our toll-free number (800) 424-9530 (at the prompt press 1, then press 2 to

reach the Reports Analysis Division) or our local number (202) 694-1130.

Sincerely,

John D. Gibson

Assistant Staff Director Reports Analysis Division

Enclosures



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Reports

Dear Mr. Wolfson:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule E discloses independent expenditures on behalf of federal candidates (pertinent portion(s) attached). Schedule B of a previous report disclosed in-kind contributions on behalf of some of these same candidates. Under 2 U.S.C. §431(17), an "independent expenditure" is defined as:

... an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

The coordination involved in making an in-kind contribution to a candidate may preclude your committee from making an independent expenditure in support of the same candidate. Under 11 CFR §109.1(c), any expenditure which does not qualify as an independent expenditure is considered an in-kind contribution. Please amend your reports to disclose the aforementioned transactions as in-kind contributions (Schedule B

supporting Line 23 of the Detailed Summary Page), or provide additional clarifying information concerning the independent expenditures made in support of Matt Mangino and Tom Keefe.

If the reclassification of these expenditures as in-kind contributions results in excessive contributions, the Commission recommends that you notify the recipient(s) and request a refund of the amount in excess of \$5,000 per election. Please inform the Commission immediately in writing and provide a photocopy of your refund request(s) sent to the recipient(s). In addition, any refund should be disclosed on Schedule A supporting Line 16 of your next report.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,

Dominick Ciaraldi

Reports Analyst

Reports Analysis Division

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**SCHEDULE E** 

## STEMIZED INDEPENDENT EXPENDITURES

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